



07/25/06 IAP6 Rec'd PCT/PTO 24 JUL 2006  
CASE PA/4-32908A

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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Express Mail Label Number

July 24, 2006  
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF

BIZOT ET AL.

INTERNATIONAL APPLICATION NO: PCT/EP04/003368

FILED: 30 MARCH 2004

U.S. APPLICATION NO: 10/551,218

35 USC §371 DATE:

FOR: ORAL SUSPENSION OF TEGASEROD

**MS: PCT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

The Notice to File Missing Parts of Application mailed July 11, 2006 (a copy of which is enclosed) has a shortened statutory time set to expire on September 11, 2006.

In response, applicants now submit a copy of a fully executed Declaration and Power of Attorney. Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-0134 in the name of Novartis.

Applicants also enclose a Second Preliminary Amendment amending the multiple claim to complete the requirement for acceptance under 35 U.S.C. 371.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-0134 in the name of Novartis.

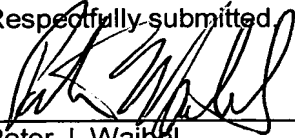
A duplicate copy of this letter is provided for charging purposes.

07/31/2006 MKAYPAGH 00000053 190134 10551218

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Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7951  
encls.  
Date: July 24, 2006

Respectfully submitted,

  
Peter J. Waibel  
Attorney for Applicants  
Reg. No. 43,228



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/551,218

FIRST NAMED APPLICANT

Marie-Noelle Bizot

ATTY. DOCKET NO.

PA/4-32908A

INTERNATIONAL APPLICATION NO.

PCT/EP04/03368

I.A. FILING DATE

03/30/2004

PRIORITY DATE

03/31/2003

1095

NOVARTIS

CORPORATE INTELLECTUAL PROPERTY

ONE HEALTH PLAZA 104/3

EAST HANOVER, NJ 07936-1080

CONFIRMATION NO. 4236

371 FORMALITIES LETTER



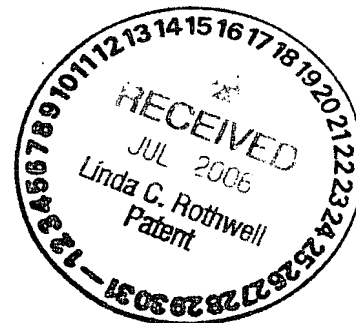
\*OC000000019542377\*

Date Mailed: 07/11/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/27/2005
- Copy of the International Search Report filed on 09/27/2005
- Preliminary Amendments filed on 09/27/2005
- Information Disclosure Statements filed on 09/27/2005
- Oath or Declaration filed on 09/27/2005
- U.S. Basic National Fees filed on 09/27/2005
- Specification filed on 09/27/2005
- Claims filed on 09/27/2005
- Abstracts filed on 09/27/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$410** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

# SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$540** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 410**
  - **\$50** for 1 total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,218	PCT/EP04/03368	PA/4-32908A